

Certificate Under 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to: Commissioner for Patents, Washington, D. C. 20231 on August 31, 2001.

Attorney: James Richardson, Atty. Reg. No. 26,983

PATENT

Case No.: 9793/081

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)	
)	Group Art Unit: Not Yet Assigned
Karl MILTNER et al.)	
)	Examiner: Not Yet Assigned
Serial No.: 09/806,115)	
)	
Filed: March 28, 2001)	
)	
For: METHOD FOR PHOTOMETRIC)	
ANALYSIS OF TEST ELEMENTS)	

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED
OFFICE (DO/EO/US)

BOX PCT
 Commissioner for Patents
 Washington, D.C. 20231

Dear Sir:

This letter is in response to the Notification of Missing Requirements mailed May 1, 2001, in the above-referenced application. The following items are enclosed herewith:

1. A copy of the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US);
2. A Declaration for Patent Application executed by the inventors, Karl Miltner, Uwe Ruppender, Christian Wersig and Volker Zimmer, respectively, and identifying the above-referenced application to which it relates; and

Serial No. 09/806,115

Filed: March 28, 2001

3. Check in the amount of \$130.00 representing the surcharge for the late filing of the Declaration for Patent Application for a large entity.

The Commissioner is hereby authorized to charge any additional payment that is required or to credit any overpayment to Deposit Account No. 23-1925. A duplicate copy of this letter is enclosed.

Respectfully submitted,



A. James Richardson
Attorney Reg. No. 26,983

AJR/dlh

Attachments: Notification of Missing Requirements Under 35 U.S.C. 371
In the U.S. Designated/Elected Office (DO/EO/US)
Declaration and Power of Attorney for Patent Application
Check in the amount of \$130.00
Duplicate Transmittal Letter

BRINKS HOFER GILSON & LIONE
One Indiana Square, Suite 2425
Indianapolis, Indiana 46204
Telephone: 317-636-0886
Facsimile: 317-634-6701

09/06/2001 UEDUVIJE 00000021 09806115

03 FC:154

130.00 0P

Patent fees are subject to annual revision.

Complete if Known

Application Number	09/806,115
Filing Date	March 28, 2001
First Named Inventor	Karl MILTNER et al.
Examiner Name	Not Yet Assigned
Group Art Unit	Not Yet Assigned
Attorney Docket No.	9793/081

FEE CALCULATION (continued)

- ### 3. ADDITIONAL FEES

Brinks Hofer Gilson & Lyon

- ☒ Payment Enclosed:

- ☒
- Check
- ☐
- Credit card
- ☐
- Money Order
- ☐
- Other

1. BASIC FILING FEE

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
101	710	201	355	Utility filing fee
106	320	206	160	Design filing fee
107	490	207	245	Plant filing fee
108	710	208	355	Reissue filing fee
114	150	214	75	Provisional filing fee

Free Paid

SUBTOTAL (1) (\$)-0-

Extra Claims

		Extra Claims	below	Fee Paid
Total Claims	32	-20** = 12	x 18.00	= 216.00
Independent Claims	3	- 3** = 0	x 0	= 0
Multiple Dependent			270.00	= 270.00

$$270.00 = 270.00$$

103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim, if not paid
109	80	209	40	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)	(\$) 486.00
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*or number previously paid, if greater; For Reissues, see above

Large Entity				Small Entity				Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)						
105	130	205	65	Surcharge - late filing fee or oath				130.00	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet					
139	130	139	130	Non-English specification					
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination					
112	920*	112	920*	Requesting publication of SIR prior to Examiner action					
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action					
115	110	215	55	Extension for reply within first month					
116	390	216	195	Extension for reply within second month					
117	890	217	445	Extension for reply within third month					
118	1,390	218	695	Extension for reply within fourth month					
128	1,890	228	945	Extension for reply within fifth month					
119	310	219	155	Notice of Appeal					
120	310	220	155	Filing a brief in support of an appeal					
121	270	221	135	Request for oral hearing					
138	1,510	138	1,510	Petition to institute a public use proceeding					
140	110	240	55	Petition to revive - unavoidable					
141	1,240	241	620	Petition to revive - unintentional					
142	1,240	242	620	Utility issue fee (or reissue)					
143	440	243	220	Design issue fee					
144	600	244	300	Plant issue fee					
122	130	122	130	Petitions to the Commissioner					
123	50	123	50	Processing fee under 37 CFR 1.17(q)					
126	180	126	180	Submission of Information Disclosure Stmt					
581	40	581	40	Recording each patent assignment per property (times number of properties)					
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))					
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))					
179	710	279	355	Request for Continued Examination (RCE)					
169	900	169	900	Request for expedited examination of a design application					
Other fee (specify) _____									
Reduced by Basic Filing Fee Paid				SUBTOTAL (3)				\$130.00	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)	(\$)	130.00
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Complete (if applicable)

Name (Print/Type)	A. James Richardson	Registration No. (Attorney Agent)	26,983	Telephone	(317) 636-0886
Signature				Date	8/31/01

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information on a separate document.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.**

20251. DO NOT SEND FEES OR CO



UNITED STATES PATENT AND TRADEMARK OFFICE

BMID 981714
(RLE)Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/806115	MILTNER K	BMID9817US
RICHARD T KNAUER ROCHE DIAGNOSTICS CORPORATION 9115 HAGUE ROAD BUILDING D P O BOX 50457 INDIANAPOLIS, IN 46250 0457		INTERNATIONAL APPLICATION NO. PCT/EP99/07222
RECEIVED MAY - 7 2001 PATENT DEPT.		I.A. FILING DATE 29 SEP 99
		PRIORITY DATE 29 SEP 98
DATE MAILED: 01 MAY 2001		

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):

- | | |
|--|--|
| <input checked="" type="checkbox"/> U.S. Basic National Fee. | <input type="checkbox"/> Indication of Small Entity Status. |
| <input checked="" type="checkbox"/> Copy of the international application. | <input checked="" type="checkbox"/> Translation of the international application into English. |
| <input checked="" type="checkbox"/> Oath or Declaration of inventors(s). | <input type="checkbox"/> Translation of Article 19 amendments into English. |
| <input type="checkbox"/> Copy of Article 19 amendments. | <input type="checkbox"/> Other: |
| <input checked="" type="checkbox"/> Priority Document. | |
| <input checked="" type="checkbox"/> The International Preliminary Examination Report in English and its Annexes, if any. | |
| <input checked="" type="checkbox"/> Translation of Annexes to the International Preliminary Examination Report into English. | |

2. ☒ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

- ☐ U.S. Basic National Fee. ☐ Copy of the international application.

3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
- ☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- ☐ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
- ☒ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

4. Additional claim fees of \$_____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

5. ☐ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.

7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed: ☒ PCT/DO/EO/917
☐ PTO-875

☐ Notice of Defective Translation
☐ PCT/DO/EO/920

Karen Williams

Telephone: 703-305-3688

FORM PCT/DO/EO/905 (March 2001)

5/7/01
Response due 7/1/01
(Final 11/1/01)



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/806115	MILTNER	K
		BMID9817US
INTERNATIONAL APPLICATION NO.		

RICHARD T KNAUER
ROCHE DIAGNOSTICS CORPORATION
9115 HAGUE ROAD BUILDING D
P O BOX 50457
INDIANAPOLIS, IN 46250 0457

PCT/EP99/07222

I.A. FILING DATE	PRIORITY DATE
29 SEP 99	29 SEP 98

DATE MAILED:

01 MAY 2001

NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION

This application fails to contain an oath or declaration acceptable under 35 U.S.C. 371(c)(4) for entry into the national stage in the United States of America. The period within which to correct the deficiency noted below and avoid abandonment is set in the accompanying Notification.

A new oath or declaration, properly identifying this application (preferably by the international application number and international filing date) is required. The oath or declaration does not comply with 37 CFR 1.497(a),(b) and (f) in that it:

1. ☒ is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
2. ☐ does not identify the application to which it is directed.
3. ☐ does not identify the inventor(s).
4. ☐ does not identify the citizenship of each inventor.
5. ☐ does not state that the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

FAILURE TO SUBMIT AN OATH OR DECLARATION IN COMPLIANCE WITH 37 CFR 1.497(a) AND (b), AND 1.497(d) WHERE APPROPRIATE, WITHIN THE TIME PERIOD SET WILL RESULT IN FAILURE TO ENTER THE NATIONAL STAGE AND THE ABANDONMENT OF THE APPLICATION.

Additionally, the oath or declaration does not comply with 37 CFR 1.63 in that it:

1. ☐ does not identify the mailing address of each inventor. If the residence is different from the mailing address, then the city and state or city and foreign country of residence of each inventor must also be given.
2. ☐ does not state that the person making the oath or declaration:
 - a. ☐ has reviewed and understands the contents of the application, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
 - b. ☐ acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56.
3. ☐ does not identify the foreign application for patent or inventor's certificate for which a claim for priority is made pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.

Karen Williams

Telephone: 703-305-3688